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Wither Childhood? Child Trafficking in India

Ibrahim Mohamed Abdelfattah Abdelaziz

This article reviews the current research on domestic trafficking of children in India. Child trafficking in India is a highly visible reality. Children are being sold for sexual and labor exploitation, adoption, and organ harvesting. The article also analyzes the laws and interventions that provide protection and assistance to trafficked children. There is no comprehensive legislation that covers all forms of exploitation. Interventions programs tend to focus exclusively on sex trafficking and to give higher priority to rehabilitation than to prevention. Innovative projects are at a nascent stage.

Keywords: *human trafficking, child trafficking, child prostitution, child labor, child abuse*

Human trafficking is based on the objectification of a human life and the treatment of that life as a commodity to be traded in the economic market. In general terms, trafficking refers to an illicit trade in goods. Human trafficking is the illegal sale and purchase of human beings who are often used for sexual exploitation, labor exploitation, and organ harvesting. It is a contemporary form of the slave trade, and, like the slave trade, human trafficking is marked and defined by deception, coercion, and exploitation.

Trafficking in humans is defined by Article 3 of the United Nations' *Protocol Against Trafficking in Persons, Especially Women and Children* as "The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person hav-

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ing control over another person, for the purpose of exploitation.” Article 3 continues, “Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” (United Nations, 2000).

In essence, the definition found in the *Protocol* can be broken down into the three principal components of the offense: (1) the act, (2) the method, and (3) the purpose. All three elements must be present for a situation to be officially recognized as trafficking. The *Protocol* also establishes special regulations for trafficking in children (individuals under 18 years of age): “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article.” That is, children transported for exploitative work are considered trafficking victims whether or not they have been deceived. In the circumstances that surround child trafficking, it is nearly impossible to know if children have given informed consent or if they are simply submitting to the authority of their guardians.

About 600,000 to 800,000 people are trafficked across international borders each year for sexual and labor exploitation; 80 percent of these victims are women, and 50 percent are minors (U.S. Department of State, 2003). UNICEF (2002) believes that the number of children trafficked annually, within and across national borders, is around 1.2 million.

There is now a large body of research that describes the number of people being trafficked, how these people are trafficked, the countries they come from and where they are sold, the markets for trafficked individuals, and the profits of the trade. However, most of the studies describe trafficking across national borders. Based on these studies, it might be easy to assume that trafficking is only a transnational trade. However, according to the *Trafficking in Persons Report* of the U.S. Department of State (2003), internal trafficking of women, men, and children for sexual exploitation, domestic servitude, bonded labor, and indentured servitude is widespread. The Asian Development Bank (2002) says that cross-border trafficking affects 10 percent of the coerced migrants. Intra-country trafficking, therefore, is the fate of as many as 90 percent of trafficked victims.

One of the countries where internal trafficking is said to surpass cross-border trafficking is India. There are very few studies on child trafficking in India. Moreover, in Indian legal parlance, trafficking is used to refer only to offenses related to prostitution. Therefore, most studies in India have focused exclusively on the trafficking of women and children for the sex industry. There is research on bonded child labor that describes the conditions of trafficking without referring to trafficking as such. Using this literature, this article reviews the current knowledge about domestic child trafficking in India and analyzes the laws and interventions that aim to provide protection and assistance to trafficked children.

Trafficking of Children in India

There is no comprehensive statistical data on child trafficking in all its forms in India. We do know that child trafficking in India can serve a myriad of purposes: sexual exploitation, domestic labor, agricultural labor, exploitative work in the informal economy, forced marriage, adoption, and even organ harvesting.

Sexual exploitation is a well-documented form of trafficking. At least 25,000 children are said to be engaged in prostitution in six major metropolitan cities of India—Bangalore, Chennai, Delhi, Kolkata, Hyderabad, and Mumbai (Mukherjee & Das, 1996). Another report says that in Mumbai alone, 40,000 girls ages ten to sixteen are undergoing commercial sexual exploitation (Terre des Hommes, 2001). According to one study by an NGO, 30 percent of sex workers in India, which would mean 270,000 to 400,000 people, are minors (Centre of Concern for Child Labor, 1998). While statistics provide specific information, it is clear that the scope of this exploitation is vast, and that it demands serious attention.

Children are not only trafficked for sexual exploitation by pedophiles; they are also forced into prostitution with adults. A national survey of adult survivors of sex trafficking revealed that 62 percent had been trafficked as children (NHRC-UNIFEM-ISS, 2004). A state-level study in Andhra Pradesh revealed that 15 percent of the trafficked victims had been inducted into prostitution before the age of fourteen, 25 percent between the ages of fourteen and sixteen, and 20 percent when they were sixteen to eighteen years old (Vetticattil & Krishnan, 2002).

Sex tourism and the exploitation of children have increased with the boom in the tourism industry. Some of the notorious sites visited by pedophiles are Kovalam in Kerala, Mammallapuram in Tamil Nadu, and Goa. Of course, as these areas strengthen law enforcement, the destinations of sex tourists shift. The latest reports on child sexual exploitation refer to an increase in offenses in other areas such as Verkala, Cochin, and Kumily in Kerala, Gokarna and Karwar in Karnataka, Puri in Orissa, and some parts of the Delhi-Agra-Jaipur triangle (Protection Project, 2002; Terre des Hommes, 2001).

The demand created by sexual exploitation often leads to child trafficking. A cultural system that has been exploited by traffickers is the Devadasi system, which is a relic of medieval times. Devadasi, a term that literally means “servant of God,” refers to the practice among certain communities in India in which families dedicate their daughters to the service of the temple deity. These girls, devadasis who are dedicated to the goddess when they are very young and considered to be married to the goddess, are often sold into prostitution. This custom is prevalent in Karnataka and Andhra Pradesh (Vahini, 2004). According to another study, members of the Nat community in Rajasthan not only initiate their own daughters into prostitution but also buy girls from other communities (Jagori, 2005).

Trafficking women and girls for coerced marriages is a newer form of sexual

exploitation. The shortage of girls that is the result of a long-standing practice of female feticide and infanticide in the states of Punjab and Haryana has led to a demand for brides bought from other states. Girls from West Bengal, particularly the districts of Murshidabad and Twenty-four Parganas, have been trafficked to Haryana for forced marriages (Protection Project, 2002). Victims of trafficking for coerced marriage also originate from Bihar, Bengal, Orissa, Assam, and Uttar Pradesh (Shakti Vahini, 2003). Conversely, girls from the tribal communities of Andhra Pradesh and Orissa are trafficked into the sex industry through false promises of marriages (Shakti Vahini, 2004).

The trafficking of children to the carpet factories of Uttar Pradesh and Kashmir is a notorious example of child trafficking for labor exploitation (Burra, 1995; Mishra, 2000; Satyarthi, 1995; Sheikh, 2000; Zutshi & Dutta, 1998). Children also toil under debt-bondage and slavery-like conditions in brick kilns, stone quarries, and rice mills. They work in the plantation, fishing, brassware, and fireworks industries. They are involved in the production of silk, silver and gold jewelry, locks, bidis, incense sticks, and ceramics. They are forced to manufacture matches and glass, to polish gems, to work in zari embroidery factories, and to produce textiles and woolen garments (Agarwal, 1998; Babu, 1999; Balaji, 1996; Bhowmik, 1999; Burra, 1995; Ingel & Laharia, 1996; Kakarla, 1996; Mishra, 2000; Mittal, 1995; Sahoo, 1995; Thilagaraj & Singh, 1997; Usha, 1999).

Children endure involuntary servitude in domestic service as well (National Domestic Workers' Movement, 2001; Pflug & Passanha, 1999). A large number of girls from tribal communities in the Chota Nagpur belt of Bihar, Jharkhand, and Orissa have been trafficked to cities of northern India for domestic labor (Joint Women's Programme, 2001). Goa and Karnataka attract trafficked child labor for domestic servitude from the southern states (NHRC-UNIFEM-ISS, 2004).

Circuses have also emerged as sites of hazardous child labor for which children are trafficked. As a consequence of a ban on the use of wild animals in circuses in India, the employment of children as performing artists is on the rise (Esther Benjamins Trust, 2003). The equation of children with animals is pervasive: the Sonepur animal fair of Bihar has been identified as a venue for organized sale of child workers (U.S. Department of State, 1999).

Trafficking of young children for begging and use in petty crime has also been noted in large cities like Delhi and popular tourist locales like Goa (Shakti Vahini, 2004). Very young children are drugged by traffickers and sent out with women beggars who pretend that the sleeping infants are their children (NHRC-UNIFEM-ISS, 2004).

Some sectors of the informal economy that employ child labor under extremely exploitative conditions but are not identified as hazardous work are tea stalls, roadside restaurants, small hotels, shops, and waste-recycling dealers called *kabariwallas* (Esther Benjamins Trust, 2003; Free the Slaves, 2005; Jaya, 2000; Singh, 1995; Thippaiah, 2000; Venkateswaran, 1995).

Adoption has become another mode of child trafficking. This is often accomplished by getting the female buyer admitted to the hospital, where records are manipulated and fake birth certificates are issued (Protection Project, 2002). A study by the Joint Women's Programme in 1986 documented the sale of unborn female fetuses for a price of 3,500 rupees (US\$87). While 33 percent had been sold by parents and relatives, 67 percent of these sales profited organized crime groups, lawyers, and doctors. Some agencies in Andhra Pradesh have also been known to pay for unborn children (NHRC-UNIFEM-ISS, 2004).

A notorious case in Goa in 1998 brought to light the large-scale sale of abandoned babies in nursing homes by the staff. Reports are also available from Hyderabad that traffickers are targeting nomadic tribes like the Lambadas, whose babies are then sold under the guise of adoption to prospective parents in India as well as abroad (Terre des Hommes, 2001). The sale of children in Tamil Nadu was exposed following an investigation into the theft of newborns from hospitals (NHRC-UNIFEM-ISS, 2004). Child trafficking for adoption is also said to be thriving in Orissa, where organizations are networked to their counterparts in Andhra Pradesh and Karnataka (Shakti Vahini, 2004).

India has one of the largest underground markets in human organs. Traffickers target poverty-stricken families and children and lure them to trade their organs for cash. Organized crime rings facilitate organ trafficking by providing fake documents proving that the donor and the recipient are relatives (NHRC-UNIFEM-ISS, 2004; Protection Project, 2002).

Thus, India faces the challenge of combating a large number of forms of trafficking. The issue is complicated by the fact that the labor of some children may be helping their families, or that adoption may give some children a chance at a better life, but that child trafficking is an absolutely unacceptable human rights violation.

How Protective Are the Legal and Policy Environments?

The Indian Constitution specifically prohibits "traffic in human beings" in Article 23(1). It also prohibits all forms of forced labor and provides that no child under the age of fourteen can be employed in any factory or mine or in hazardous work (Article 24). The offense of trafficking is also punishable under the Indian Penal Code (IPC) and the Immoral Traffic Prevention Act of 1956. Anyone who sells or disposes of a minor under the age of eighteen for prostitution is subject to up to ten years of imprisonment and a fine (IPC Article 372). Similarly, anyone who buys, hires, or obtains possession of a minor in any other way for the purpose of prostitution commits a crime punishable by a fine and a prison sentence of up to ten years (IPC Article 373). In addition, the Indian Penal Code punishes those who compel a person to labor against his or her will to imprisonment for up to one year, payment of a fine, or both (IPC Article 374). The Immoral Traffic Prevention Act is special legislation that deals exclusively

with trafficking. It punishes anyone who coerces or induces a girl into prostitution with a sentence of imprisonment for three to seven years and the assessment of a fine (Section 5). Anyone detaining a girl in a brothel is punished by imprisonment for seven years to life (Section 6).

The Bonded Labor Abolition Act of 1976 prohibits forced or bonded labor. Under this law, the penalty is up to three years in jail and a fine of 2,000 rupees (US\$50). Under the Child Labor (Prohibition and Regulation) Act (1986), employment of children above the age of fourteen is allowed only under certain conditions. A child may work for his or her family. The work must be non-hazardous and provide a day of rest each week. The work must not cause physical or mental harm, interfere with the child's education, exceed six hours per day, or entail nighttime work. Employers who violate these conditions are subject to imprisonment for one year and a fine of at least 10,000 rupees (US\$250). Since October 2006, the employment of children under the age of fourteen is also prohibited in hotels and restaurants and for the purpose of domestic labor. The Juvenile Justice (Care and Protection of Children) Act of 2000 mandates imprisonment for up to three years for the forced or bonded labor of children. Commercial trading in human organs is prohibited under the Transplantation of Human Organs Act of 1994. Commercial dealing in human organs is punishable with two to seven years of imprisonment and a fine (Article 19).

To address traditional forms of sexual exploitation of children, individual states have also passed legislation. Two examples are the Andhra Pradesh Devadasi (Prohibition of Dedication) Act (1989) and the Devadasi Prohibition Act (1982) in Karnataka.

The Goa Children's Act (2003) is considered a model because for the first time in the legal history of the country, the offense of trafficking is defined, though it is restricted to child trafficking. Moreover, this act covers the trafficking of both male and female children for any type of exploitation. The punishment for these crimes is up to ten years of imprisonment and a fine of up to 200,000 rupees (US\$4,950).

Thus, although trafficking is prohibited in the very foundation of the legal system by the constitution, India has tried to address the problem by enacting a large number of laws on different aspects of trafficking instead of creating a single comprehensive body of legislation. There are two major drawbacks to this system. First, there is no common legal definition of trafficking, which creates a loophole for traffickers, who argue that their deeds do not constitute trafficking. Second, due to the overlap of jurisdiction between some of the laws, traffickers often receive the lightest possible sentence because of the subjective application of the multiple laws that may apply.

One frustrating failure of the laws against trafficking is the higher priority accorded to sex trafficking than to other forms of trafficking. Laws that use the term "trafficking" or refer to the sale of individuals all pertain to sex trafficking. In a country where child trafficking for labor servitude takes place on such a vast

scale, the relatively light punishments accorded to labor traffickers suggests that they can ply their trade with impunity. Moreover, the lack of acknowledgment of adoption as a form of trafficking allows the baby market to continue to flourish. However, there appears to be a growing awareness and recognition of issues related to trafficking, as evidenced by the provisions of the recent acts and the amendments proposed to the Immoral Traffic Prevention Act (NHRC-UNIFEM-ISS, 2004). It is hoped that Indian policy makers will formulate legislation that is more in sync with the realities of exploitation.

While legislation is one half of the protective environment, the other half is constituted by effective enforcement of these laws. The lack of training of police officers and their consequent ignorance of provisions of the law lead to inadequate identification of victims and ineffective prosecution of traffickers. An authoritative study by the National Human Rights Commission discovered that only 7 percent of the police officers interviewed had received training on trafficking laws. Moreover, a staggering 80 percent admitted that they gave low priority to trafficking cases (NHRC-UNIFEM-ISS, 2004). A pilot project for sensitization and training of police officers is now under way under the guidance of the National Human Rights Commission.

Interventions for Prevention and Protection

There are three groups of stakeholders who are coordinating interventions for prevention of trafficking and protection of victims—the Indian government and its associated organizations, NGOs, and the source and destination communities of trafficking victims. As a preventive measure to address the issue of bride trafficking, the government of India is conducting public awareness programs to educate parents about laws against sex-selective abortions and infanticide. These have resulted in a gender imbalance in various states, which has led to the demand for trafficked brides. The government also aims to prevent child labor by providing financial incentives to parents to keep their children in school.

The National Child Labor Eradication Program has made some progress in eliminating bonded child labor in carpet-making factories and brick kilns (Free the Slaves, 2005). In collaboration with UNIFEM, the National Human Rights Commission conducted a sensitization workshop for representatives of the tourism industry in 2003 (NHRC-UNIFEM-ISS, 2004).

The main program for the protection of victims is the Swadhar rehabilitation package for victims of sex trafficking, which is implemented by the Department of Women and Child Development. At the state level, the Jabali program of the Madhya Pradesh government provides rehabilitation for victims of commercial sexual exploitation, as do the rehabilitation packages of the governments of Andhra Pradesh and Karnataka for rescued devadasis. Victims of labor trafficking or rescued bonded labor workers are provided 20,000 rupees (US\$ 500) for rehabilitation, which is co-funded by the central and state governments (U.S. Department of State, 2006).

NGOs have spearheaded efforts to provide assistance to victims of trafficking. STOP (Delhi) is the one of the few organizations that focuses solely on undertaking direct rescue of trafficked children, in this case from the brothels of Delhi (Asian Development Bank, 2002). The Uttaranchal Development Institute taps community networks to uncover instances of trafficking and gives the information to the police for further action (Free the Slaves, 2005).

Most NGOs, however, provide a combined package of prevention and protection services to their client community. SANLAAP facilitates child protection programs for children of women in prostitution in the brothels of Kolkata, provides counseling to child victims of prostitution, and runs shelters for rescued and at-risk children. JABALA also helps in the rehabilitation of victims of trafficking in Kolkata. PRERNA provides similar services to victims of trafficking and prostitution in Mumbai (Protection Project, 2002). ARZ in Goa runs capacity-building programs for vulnerable adolescents. It also uses its community contacts to identify trafficked and rescued children and helps in the investigation and prosecution of traffickers (Free the Slaves, 2005).

PRAJWALA in Andhra Pradesh provides second-generation prevention services for children of trafficked victims, participates in rescue operations, and facilitates social reintegration of victims of trafficking. It also co-manages the state government's juvenile shelter and runs a care and support facility for HIV-positive children (Vetticattil & Krishnan, 2002). In Karnataka, Odanadi Seva Samiti has taken the lead in anti-trafficking interventions. Some other NGOs providing services to victims of trafficking are CORE in Haryana; Voluntary Organization of Social Health in India in Pondicherry; CARD, HELP, RISE, and STHREE in Andhra Pradesh; GUDIYA in Uttar Pradesh; SLARTC in West Bengal; and the Joint Women's Programme in Delhi (NHRC-UNIFEM-ISS, 2004; Vetticattil & Krishnan, 2002).

Interventions that encourage community surveillance have gained popularity and effectiveness. Women residents of the largest slum in Delhi, Yamuna Pushta, organized a vigilance group when children began to disappear from their neighborhood. The group gathers local intelligence, maintains surveillance of suspects in the neighborhood, and even accompanies the police during raids (Protection Project, 2002). Similarly, village-based vigilance committees in Bihar have led to the reporting and arrest of traffickers (Free the Slaves, 2005). Village vigilance groups in Andhra Pradesh educate the community about trafficking, protect potential victims, and have even collaborated with the district administration to rescue local children from the brothels of metropolitan areas (Vetticattil & Krishnan, 2002). DMSC is a community organization that prevents the entry of minor victims and trafficked victims into the brothels of Kolkata (Bandopadhyay, Gayen, Debnath, Bose, Das, & Das, 2004).

Some features of the interventions impede the success of efforts against child trafficking and the reintegration of child victims. First, there is a bias toward providing rehabilitation services instead of options for prevention. Child trafficking could be addressed more effectively if greater emphasis were given to

prevention activities. Experience with picking up the pieces of shattered lives should prove the need to prevent these lives from being shattered at all.

Second, those organizations that do provide preventive services (SANLAAP, ARZ, PRERNA, PRAJWALA, the Joint Women's Programme) seem to focus on preventing second-generation trafficking among the children of adult victims. Moreover, their entire activity is related to sex trafficking; they do not offer services to prevent labor trafficking, trafficking for adoption, or organ trafficking.

Third, prevention activities in the larger community are only in the form of awareness campaigns. Since economic reasons are the main cause of vulnerability to trafficking, it seems that knowledge of the existence of the trade is not enough to stop parents from sending their children to work. Without education and economic empowerment programs, which would ensure a sustainable livelihood, the supply of potential victims for the traffickers to exploit will not diminish.

Finally, rehabilitation services do not address the special needs of children. Both the government and the nongovernmental organizations conflate adult and child needs in their service delivery. All rescued victims, regardless of age or need, are given the same set of services, which generally last for three to six months. These services should consider the increased mental vulnerability of children and evaluate the appropriateness of their family environment for repatriation. They should provide education and vocational training in non-hazardous work.

Nevertheless, there have been some interesting innovations in service delivery. Residential school facilities for at-risk children not only reduce their physical risk to being trafficked but also ensure that the children complete their schooling in order to improve their chances of a sustainable livelihood in the future. Acknowledging the need for vocational training, organizations are collaborating with industrial training institutes. Resources are being drawn from the appropriate government programs and from the corporate sector for the creation of micro-enterprises (Vetticattil & Krishnan, 2002). However, these projects are still at a nascent stage; their effectiveness in the long term and their sustainability on a large scale have not yet been studied.

Conclusion

Despite more than fifty years of legislation and interventions, child trafficking in India continues on a massive scale. Stark poverty has frustrated and offset all efforts to protect children. It is time to learn the lesson that treating the symptoms without addressing the causes will not make a significant impact upon the problem. We need to step back and start again by addressing the vulnerability of the victims. Lifting millions of people above the poverty line is indeed a challenging task, but the government and the NGOs are not the only stakeholders. Every community has a stake in protecting its members, and the corporate sector would benefit by increasing the human capital of its future

workforce. Therefore, the protective network must expand its membership and be more inclusive in extending its protection. The children have waited long enough.

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